article that ''by the time of the American Revolution, each colony had established some form of public prosecution. . . .''

Again, however, we have seen that the mere existence of ''some form of public prosecution'' at the time of the American Revolution does not mean that public prosecution was ''standard.'' And it certainly does not mean that public prosecutors handled the bulk of prosecutions or had much a prosecutorial role. They did not. Rather, the weight of historical evidence on this subject—a subject which has been extensively researched and reviewed by some of our country's most distinguished legal historians and other scholars—suggests that private prosecutions were dominant.

Mr. President, I am glad to have the chance to correct the historical record on this point. I have the utmost respect for my distinguished colleague from Vermont and I thank him for his thoughtful remarks on the history of prosecution in this country. However, I believe that my main point stands: we need to restore rights that crime victims enjoyed at the time the Framers drafted the Constitution and Bill of Rights.

IN RECOGNITION OF NATIONAL NEUROFIBROMATOSIS MONTH

Mr. ASHCROFT. Mr. President, I rise today to recognize May as the National Neurofibromatosis month. Neurofibromatosis (NF) is a genetic disorder that causes tumors to grow along nerves throughout the body. These tumors can lead to a number of physical challenges including blindness, hearing impairment, or skeletal problems such as scoliosis or bone deformities. In addition to these physical challenges, over 60 percent of those diagnosed with neurofibromatosis are also faced with learning disabilities ranging from mild dyslexia and ADD to severe retardation.

Anyone's child or grandchild can have NF. This disease affects one in 4,000 children, making it more prevalent than cystic fibrosis and hereditary muscular dystrophy combined. NF equally affects both sexes and all racial and ethnic backgrounds. Although 50 percent of the cases are inherited, half are spontaneous with no family history.

It is an honor to stand before this body and recognize May as National Neurofibromatosis month. I would also like to take this opportunity to recognize the Missouri Chapter of The National Neurofibromatosis Foundation, Inc. and their efforts to provide support to those who suffer from NF as they strive towards a cure.

VICTIMS' RIGHTS AMENDMENT OPPOSITION

Mr. LEAHY. Mr. President, during the debate last week on the proposed constitutional amendment on victims' rights, a number of editorials and thoughtful essays were printed in the RECORD. Because of the way in which the Senate ended its consideration of S.J. Res. 3, I did not have an opportunity to include in the RECORD all such materials. Accordingly, I included additional materials yesterday and do so again today, in order to help complete the historical record of the debate. I ask unanimous consent to have printed in the RECORD editorials from a number of sources around the country in opposition to the proposed amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Apr. 22, 2000]

MISGUIDED BILL

Crime victims need justice and compassion, not the ability to usurp the rights of others.

If ever there was a likely booster for the cause of empowering crime victims, it's Bud Welch of Oklahoma City.

After his 23-year-old daughter, Julie, perished in the 1995 federal building bombing there, Mr. Welch recalls wanting to see the co-conspirators ''fried'' rather than tried in court.

But the latest push in Congress to enshrine a victims' bill of rights in the U.S. Constitution does not enjoy Bud Welch's support. Nor does it have the backing of numerous groups equally as concerned as Mr. Welch with seeking justice for victims.

The amendment's opponents include advocates for battered women, the families of murder victims—plus the nation's top state judges, civil-rights groups and veteran prosecutors.

All of them, whether knowingly or not, are heeding James Madison's wise directive that the Constitution be amended only on ''great and extraordinary occasions.''

This isn't one of those occasions.

These groups understand that the proposals before Congress would completely restructure federal and state criminal justice systems. As such, the victims' rights measure is dangerous to fundamental rights that protect all Americans. In the Oklahoma case that Mr. Welch knows so well, he cites the plea bargain that led to key testimony by an accomplice of Timothy McVeigh and Terry Nichols.

Had victims been able to contest that plea—as provided by the rights proposals in Congress—the case might have been more difficult to prosecute or might even have unraveled.

That's just a hint of the practical problems in according crime victims such rights as court-appointed counsel, a say in prosecution decisions, and the like. How could anyone think things are working so well in the nation's clogged criminal courts that they could handle this wrench tossed into the works?

There's a more fundamental problem, through, with giving crime victims a virtual place at the prosecutors's table.

It presumes the guilt of a person charged with a crime before the courts have spoken. With that, out the courtroom window goes a fair trail—and in comes a threat to all Americans' rights.

What crime victims are owed is compassion, the chance to seek compensation, consideration of the demands a trial places on their time and psyches, and a full measure of justice. That's the intent of victims' rights provisions already enshrined in law or state constitutions by all 50 states.

For instance, the Pennsylvania statute provides for notifying victims of court proceedings, allowing them to comment on—but not to veto—plea bargains, the right to seek restitution, and notification of post-conviction appeals and even convicts' escapes. These are good ideas that don't deprive rights.

Shame on Congress if it seriously considers a measure that could jeopardize the right to a fair trial. Ditto if the victims' rights cause is turned into just another cynical vehicle to make political hay—like the flag-burning nonsense.

The region's senators should not be party to that—no matter what their party.

[From the Providence Journal, Apr. 27, 2000]

THE QUALITY OF JUSTICE

Bud Welch, whose daughter Julie was one of the 168 victims of the bombing of the Murrah Federal Building in Oklahoma City five years ago, testified before the U.S. Senate Judiciary Committee against the proposed Victims' Rights Amendment to the Constitution. ''I was angry after she was killed that I wanted McVeigh and Nichols killed without a trial. I probably would have done it myself if I could have. I consider that I was in a state of temporary insanity immediately after her death. It is because I was so crazy with grief that I oppose the Victims' Rights Amendment.''

Mr. Welch is right. Giving the victims of crime the constitutional right to influence bail decisions and plea agreements would turn the principle of innocent until proven guilty, the foundation of the American system of justice embodied in our Bill of Rights, on its head. Other countries, notably France, are still striving to incorporate this principle into their legal codes. It would come as a shock to see the United States move away from it, a move that would be rightly perceived as a step backward into law's dark, despotic past—the days of an eye for an eye and a tooth for a tooth.

If that seems a hard indictment of an amendment that sounds so eminently reasonable and fair, consider the provision granting victims the right to a trial ''free of unreasonable delay.'' The very phrase should send chills down the spine. One person's ''expedited'' trial is another's ''legal lynching,'' to borrow Supreme Court Justice Clarence Thomas' phrase. And, like most amendments to the Constitution, there is no telling where this amendment would lead. Would an assault against a Ku Klux Klan member marching with thousands of co-bigots mean that the state has to notify and consult with every racist marcher ''victim'' in prosecuting the criminal?

The United States is a country that abhors the miscarriage of justice. It is, or should be, the key element of our national character. No one would contend that it is good that victims sometimes suffer further in the administration of justice, and proponents of this amendment, such as Mothers Against Drunk Driving, fight a noble cause in trying to protect the rights of victims in the justice system. But amendment the Constitution is not the way to do it. Victims' rights laws are on the books in 35 states, including Rhode Island. Strengthen and enforce these laws. That is the way to ensure all Americans, victims and accused, have a fair trial.

[From the Richmond Times-Dispatch, Apr. 16, 2000]

DIFFERENTLY SITUATED

Complaints about partisan rancor in Congress are commonplace. But sometimes it's even worse when Republicans and Democrats agree.

Take the resolution sponsored by Republican Senator John Kyl and Democrat

Dianne Feinstein. It proposes a victims' rights amendment to the Constitution guaranteeing a right to be notified of, attend, and testify at the defendant's trial. Thirty-three states already codify such protections, and there is little wrong with them. But an amendment would sully the Constitution with (to borrow a turn of phrase) a new indoor record for missing the point.

At a recent news conference supporting the proposed amendment, Mothers Against Drunk Driving president Millie Webb said, ''Many Americans don't realize that victims have no guaranteed rights under our current law,'' whereas ''the system caters to the rights of defendants.'' Such statements—with which many Americans, including 41 Senate co-sponsors of the Kyl-Feinstein resolution, would agree—reflect a cavernous lack of understanding regarding the machinery of justice in America.

That machinery exists for the very purpose of defending rights, such as the right to physical safety and the right to property. Legislatures pass laws forbidding assault, murder, theft, fraud, and a host of other crimes. Policemen patrol the streets to prevent those crimes. When a crime is committed and a victim created, police hunt down the likeliest suspect and arrest him.

Government attorneys then prosecute. The courts sit in judgment, impose prison time, and order restitution where appropriate. Corrections departments imprison—and sometimes execute—offenders, not only to punish them for the misdeed in question but also to prevent them from violating the rights of additional victims. This vast legislative, judicial, and executive machinery expends a great amount of time and energy to guarantee the rights of innocent citizens.

The procedural rights of defendants exist for a good reason. The right to trial by jury, the right to an attorney, the right to an appeal, the right not to have a confession beaten out of you—all are in place because a defendant stands in a markedly different position from a crime victim. The state wields its immense coercive power on behalf of the victim—and against the defendant.

Some mechanism is necessary to ensure that powerful machinery does not run out of control and crush someone it should not. Though they sometimes are abused, the constitutional protections guaranteed to a defendant are not catering to the guilty, but to the innocent. They exist to make sure the apparatus functioning on behalf of victims does not create another one, or several other ones. If sloppy law enforcement sends an innocent person to prison, then it leaves the real perpetrator free—to strike again.

[From the Seattle Post-Intelligencer, Apr. 21, 2000]

VICTIM AMENDMENT UNDOES PRIOR WORK

With the drive to enshrine its tenets in the U.S. Constitution, the victims' rights movement is in danger of undoing much of the good it has done.

Granted, the proposed amendment to the Constitution, which is scheduled for a vote Tuesday in the U.S. Senate, is emotionally appealing. If approved by Congress and ratified by three-fourths of the state legislatures, the amendment would, among other things, require that victims be notified of any court proceedings involving their accused assailants and be told of an offender's release or escape.

These provisions are fairly innocuous; others in the far-reaching proposal are not.

For example, the amendment would give victims the right to attend all public proceedings stemming from the crime. But there are compelling reasons for victim witnesses to be excluded from the courtroom except when they are testifying. Their presence could bias the testimony of other witnesses sympathetic to what the victims have endured, and on hearing other witnesses testify, victims might tailor their own testimony to minimize any inconsistencies.

Another new ''right'' would authorize victims to submit a statement at all public proceedings held to accept a negotiated plea. That risks the possibility of victims becoming equal partners with prosecutors in deciding when to plea-bargain cases. Therein lies the crux of our objections.

The government prosecutes crimes on behalf of the community, not just victims, even though victims routinely suffer the greatest toll. It is the community's best interests that should receive the highest consideration by prosecutors.

One surprising opponent of the amendment voiced his concerns simply: ''I think crime victims are too emotionally involved,'' said Bud Welch of Oklahoma City, whose daughter died in the bombing of the federal courthouse there.

Welch and his organization, Citizens for the Fair Treatment of Victims, are joined in opposing the proposal by the National Coalition Against Sexual Assault, the National Network to End Domestic Violence and Murder Victims' Families for Reconciliation.

Already, 32 states have passed victims' rights statutes or amendments to their state constitutions. This is how it should be, as the vast majority of crimes are prosecuted on the state level. It is far too radical a step to amend the federal Constitution for what is essentially a state matter.

All victims' rights run the risk of being diluted if this proposal becomes the 28th amendment to the U.S. Constitution. That should convince Washington's senators, Democrat Patty Murray and Republican Slade Gorton, to vote no Tuesday.

[From the South Bend Tribune, Apr. 27, 2000]

PROPOSED VICTIMS' RIGHTS AMENDMENT IS MISGUIDED

A proposed constitutional amendment to codify rights for crime victims may be sincere in intent, but it is misguided and should be defeated when the Senate votes today.

The most sacred tenet of the United States' system of justice says that all those accused are innocent until proven guilty. The Victims' Rights Amendment could jeopardize that constitutional protection by giving victims an active role in virtually every stage of prosecution, from plea bargaining to punishment and parole.

Under terms of the amendment, victims would be allowed to remain present in the courtroom throughout a trial, even if they are witnesses for the prosecution.

Crime victims deserve sympathy and support, but inserting them into the criminal justice system as proposed in this amendment is an invitation to substitute vengeance for justice. If Congress wants to establish a fund to help victims recover emotionally, physically and financially it should do so. It should not, however, seek to alter core principles of the law.

Congress is developing an annoying tendency to legislate by pandering to the public's feelings as a substitute for thoughtful consideration. Amending the Constitution may create many unintended consequences and should not be undertaken when there are other ways to reach the goal desired.

[From the St. Petersburg Times, Apr. 25, 2000]

A WRONG SET OF RIGHTS

The so-called Victims' Rights Amendment isn't all that it seems. Politically motivated, it would tilt cases in favor of prosecutors and strike a blow to constitutional guarantees of due process and fairness for the accused.

The Constitution was purposely made hard to amend to shield it from political whims, but that hasn't stopped Congress from trying to alter this great document. In this 106th Congress, at least 53 constitutional amendments have been introduced concerning every hot-button issue from flag burning to school prayer. The latest assault on individual rights is the so-called Victims' Rights Amendment, a wrongheaded attempt to give crime victims rights in criminal proceedings.

The amendment is popular because any measure that appears to favor victims over criminals is going to sail through Congress. But the amendment has more to do with political pandering than conscientious lawmaking. This helping hand for crime victims is really about tilting the balance in favor of prosecutors. It would substantially reduce the Constitution's guarantees of due process and fairness for the criminally accused.

While victims often complain that they are ignored or mistreated by the criminal justice system, there are fixes short of amending the Constitution. Florida, for example, has codified victims' rights in statute and made it part of the state Constitution. A caveat, though, prevents the exercise of victims' rights from interfering with the defendant's constitutional rights. But if the federal Constitution were amended, this key protection for defendants would be nullified.

Among the disturbing provisions, the Victims' Rights Amendment would give crime victims the right to be present at any public proceeding, to expect a trial free from unreasonable delay and to have their safety considered relative to a defendant's release from custody. While these measures don't sound excessive on their face, they could seriously handicap a defendant's right to a fair hearing.

For example, a victim who demands to sit in on every day of trial could also be a key witness to the crime. By listening to all other testimony, he could tailor his comments to avoid inconsistent statements—complicating the defense's job.

Similar problems arise in interpreting the victim's right to a quick resolution. A victim's demand for speed could truncate the defense attorney's time to prepare for trial, making it difficult to present a full defense. It is also unclear how the victim's right to a speedy resolution would impact the defendant's right of habeas corpus. Habeas claims of wrongful imprisonment sometimes comes many years after conviction.

Multiple concerns also are raised by the provision requiring that the safety of victims be considered before a defendant is released. At minimum, the accused could be denied reasonable bond, but the provision could also give the state the power to hold prisoners indefinitely after their prison terms based on some minimal showing of fear by the victim.

The amendment is scheduled to come up for action in the Senate this week, and if it passes by the two-thirds majority necessary, it's expected to fly through the House. The amendment would then need to be passed by three-fourths of state legislatures before becoming part of the Constitution. Florida's Republican Sen. Connie Mack has already signed on as a sponsor, but Democrat Bob Graham, as usual is waiting until the last minute to reveal his position.

What seems to elude amendment supporters is that the rights of defendants are not enshrined in the Constitution to protect criminals. They are there to ensure that those falsely accused by government get a fair trail. So really the Constitution already provides for victims' rights: victims of overzealous government prosecution, that is.

[From the Wichita Eagle, Apr. 27, 2000]

NOT AGAIN—VICTIM'S RIGHTS DON'T MERIT CONSTITUTIONAL AMENDMENT

There's no question that victims of crimes too often feel victimized a second time by the justice system. Look at the parents of the students killed at Columbine High School: Their frustration with the Jefferson County sheriff's department over access to videotape and records has rightly provoked multiple lawsuits—and compounded their grief.

But the instances in which victims are wronged by authorities hardly justify the ultimate legal remedy in America—an amendment to the Constitution.

That's the conclusion that once again should be reached by both the U.S. Senate, which moved ahead this week with debate on the proposed Victims' Rights Amendment, and the House, which has a similar measure pending in committee.

Supporters such as Sen. Dianne Feinstein, D-Calif., argue that the Constitution currently guarantees 15 rights to criminal defendants yet extends none to victims. They want to equalize the importance of defendant and victim, guaranteeing the latter the right to be present at court hearings, speak at sentencing, have a say in plea agreements, see the cases resolved quickly and seek restitution.

But the proposed amendment is rife with problems:

It would step on existing statutory and constitutional safeguards in 32 states, including Kansas.

It could end up conflicting with or compromising defendants' rights.

It lacks even the support of some advocacy groups such as Victim Services, which is focusing its resources and energy elsewhere.

And, as Senate Minority Leader Tom Daschle, D–S.D., noted, it ''is longer than the entire Bill of Rights.''

Authorities obviously need to do a better job respecting and enforcing existing state victims'-rights laws and taking pains not to treat victims like afterthoughts. But there are good reasons why the 11,000 attempts to amend the Constitution over the defining document's 213-year history have succeeded only 27 times. The plight of crime victims is heartrending, but it should be dealt with by appropriate laws, not by this kind of intensive meddling with the Constitution.

[From the Winston-Salem Journal, Apr. 27, 2000]

VICTIMS' RIGHTS

The victims of violent crimes and their loved ones often have reason to feel that they have fewer rights under the justice system than does the criminal. Many victims say that they feel victimized all over again by the time the court proceedings are done. Clearly there is much that ought to be done to ensure that courts and related offices treat victims with respect, compassion and efficiency. But a victims' rights amendment to the U.S. Constitution, under discussion this week in the Senate, is the wrong way to make those improvements.

It's a bad idea to amend the Constitution for a problem that could be handled by less sweeping and less permanent legislation. The Constitution has remained strong for more than 200 years precisely because the Founders did not address the details of every issue that might arise. It is unwise to amend it to deal with problems that can be addressed through less drastic means.

Even more important, the drive for a victims' rights amendment is based on a misunderstanding of the role of the criminal-justice system. The courts are set up to protect the rule of law and the greater interests of society, not to exact personal vengeance. When a criminal is sentenced to imprisonment or some other punishment, he is paying his debt to society, not to the victim. He is being punished for violating the rule of law that we all agree to as citizens for our mutual protection.

Advocates of an amendment argue that the Constitution establishes many rights of the accused, but none for victims. But the Constitution is designed to provide the protection of laws and fair and efficient justice for all. Crime victims are suffering because a law has been broken, and the function of the courts is to punish the lawbreaker. The rights of the accused are spelled out because defendants are in danger of having rights taken from them as punishment. Though the victims of crimes deserve public sympathy and support, they do not deserve special treatment by the legal system.

The move for victims' rights has arisen out of frustrations when the court system, far from giving victims special treatment, seems to disregard them. Among the rights in the proposed amendment would be notification of proceedings, speedier proceedings and notification of release or escape of an offender.

Some of these rights exist but aren't honored because of overcrowded courts and lack of staff. Those are problems that Congress and state legislatures can address without an amendment. They can also pass laws to make things more smooth and comfortable for victims and to give victims a voice in such proceedings as parole hearings. Some laws providing restitution are appropriate.

A constitutional amendment is not needed to achieve any of these worthy goals. Senators should make it clear that they support the goals but don't want to pursue them in the wrong way.

[From the Washington Times, May 2, 2000]

CONSTITUTIONAL PANDORA'S BOX

(By Debra Saunders)

Just when you thought that Congress was a totally craven institution full of pandering pols who would sell out the Constitution for a friendly story on Page 3 of the local paper, the Senate up and takes a stand on principle. An unpopular stand even.

I refer to a proposed Crime Victims' Amendment to the Constitution. Last week, Senate sponsors Dianne Feinstein, California Democrat, and Jon Kyl, Arizona Republican, pulled a vote on the measure because they didn't have the two-thirds vote needed for passage. Finally, some good news.

Of course, I support crime victims' rights, and the stated goals of the measure. The amendment, among other things, would give victims the right to be notified of legal proceedings where they would have a right to be heard, to be notified if a perp is released or escapes, and to weigh in on plea bargains.

As Mrs. Feinstein explained in a statement, ''The U.S. Constitution guarantees 15 separate rights to criminal defendants, and each of these rights was established by amendment to the Constitution. But there is not one word written in the U.S. Constitution on behalf of crime victims.''

I, for one, value that omission. The Founding Fathers wrote the document when being a victim was not a badge of honor. If it were written today in the decade of the victim, the Constitution probably would read like a 12-step pamphlet.

More importantly, while the Constitution does not pay homage to victims' rights per se, the entire process of prosecution, of using the government to exact punishment for wrongdoing against individuals, recognizes the government's responsibility to protect citizens from lawless individuals.

Of course, there have been some victim horror stories that give the measure legitimacy. One need look no further than Littleton, Colo., where authorities have sold videotapes of the bloodstained high-school shooting crime scene for $25. This is a true outrage, but it is best remedied by parents suing the daylights out of these cruel civil servants.

'Tis better to sue than to revamp the U.S. Constitution. Law enforcement generally is a local matter. A constitutional amendment then would give federal judges another excuse to butt in and tell local lawmen and women what to do. No thanks.

I'll add that because a constitutional amendment has so much force, and is so difficult to change, there must be a compelling reason to pass it, and lawmakers should have a clear idea of its effects.

But it's not clear how judges would interpret it. The American Civil Liberties Union's Jennifer Helburn argues that some judges, for example, could interpret the right of victims to ''be present, and to submit a statement' at all public legal proceedings to mean indigent victims would have a right to publicly funded legal representation.

The ACLU also warns the provision could ''allow victims to be present throughout an entire trial, even if they are going to be witnesses.'' A Senate aide explained a judge would determine whether victims could be present before testifying or could testify first, and then attend the rest of the trial. So, the provision could make life harder for prosecutors. Not good.

Legal writer Stuart Taylor Jr. of the National Journal worries that mandating victim output—even if it is not mandatory that prosecutors obey it—could scuttle plea bargain arrangements that might be unpopular but result in a better outcome than letting murderers walk free.

Sen. Fred Thompson, Tennessee Republican, warned that the measure is ''very, very disruptive in ways that there is no way we can possibly determine. We are opening up a Pandora's box.''

Except, last week, the Senate didn't open up Pandora's box. And in not opening the box, it nonetheless released one precious item: hope.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 1, 2000, the Federal debt stood at $5,660,725,641,944.27 (Five trillion, six hundred sixty billion, seven hundred twenty-five million, six hundred forty-one thousand, nine hundred forty-four dollars and twenty-seven cents).

Five years ago, May 1, 1995, the Federal debt stood at $4,860,333,000,000 (Four trillion, eight hundred sixty billion, three hundred thirty-three million).

Ten years ago, May 1, 1990, the Federal debt stood at $3,082,585,000,000 (Three trillion, eight-two billion, five hundred eighty-five million).

Fifteen years ago, May 1, 1985, the Federal debt stood at $1,744,028,000,000 (One trillion, seven hundred forty-four billion, twenty-eight million).

Twenty-five years ago, May 1, 1975, the Federal debt stood at $516,680,000,000 (Five hundred sixteen billion, six hundred eighty million) which reflects a debt increase of more than $5 trillion—$5,144,275,641,994.27 (Five trillion, one hundred forty-four billion, two hundred seventy-five million, six hundred forty-one thousand,